

RECEIVED
CENTRAL FAX CENTER

OCT 24 2006

Atty. Dkt. No. 048772-2301
(formerly 0001.US01.CIP)

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Claims 1-12 remain pending in this application.

Claims 1 and 7 were rejected under 35 U.S.C. § 103(a) as allegedly being disclosed by the article by David King (hereinafter "King") in view of U.S. Patent Application Publication 2002/0002586 A1 to Rafal et al. (hereinafter "Rafal"). Claims 2-6 and 8-12 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over King in view of Rafal and further in view of U.S. Patent No. 6,009,410 to LeMole et al. Applicant respectfully traverses these rejections for at least the following reasons.

As noted in an earlier paper, the present invention relates to systems and methods for on-line, interactive fundraising. Embodiments of the invention encourage potential donors to give charitable contributions by providing recognition of donors. In this regard, a donor-driven virtual plaque may be displayed on one or more web pages. Thus, a donor may specify the content of at least a portion of the virtual plaque. For example, as described in the specification, "[a] donor may choose the specific words and language inscribed in the virtual plaque and is further able to modify the virtual plaque at a later time." Specification, Paragraph [0038]. Accordingly, independent claims 1 and 7 each recite "updating, according to instructions from a donor, the one or more virtual plaques"

The Office Action cites again King as a primary reference against the pending claims. Applicant has previously submitted an affidavit from inventors Dr. Harry Gruber and Dr. Allen Gruber, along with documentation exhibiting conception of the invention prior to the August 10, 2000, date of King. Accordingly, all rejections relying on King as a prior art reference should be withdrawn.

Atty. Dkt. No. 048772-2301
(formerly 0001.US01.CIP)

However, the Examiner argues that King's "dating of the use of virtual plaques ... has been clarified and strengthened by the IDS documents filed by Applicant on January 14, 2006" Office Action dated April 18, 2006, page 15, lines 4-6. The Examiner further argues that the IDS documents "make moot Applicant's affidavit" Office Action dated April 18, 2006, page 15, lines 27-28.

First, Applicant notes that, in light of the affidavit filed by Applicant, the Examiner's reliance on King is improper. The affidavit effectively "establish[ed] invention of the subject matter of the rejected claim[s] prior to the effective date of the reference" See 37 C.F.R. § 1.131. Nothing about the IDS documents changes the "effective date" of King, which remains August 10, 2000. King remains predated by the present invention. Applicant is unaware of any authority which cures this deficiency of King.

Second, the Examiner's indirect reliance on the IDS documents fails to render the claims unpatentable. Even inclusion of the IDS documents fails to establish a *prima facie* case of obviousness. For example, nowhere does any reference teach or suggest a system in which a virtual plaque is updated "according to instructions from the donor," as recited in independent claims 1 and 7. Each of the other independent claims includes at least one feature not recited in any prior art reference.

Since the Examiner has failed to establish a *prima facie* case of obviousness, the claims are patentable.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to

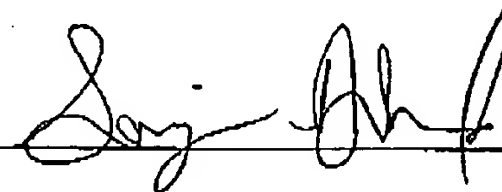
Atty. Dkt. No. 048772-2301
(formerly 0001.US01.CIP)

Deposit Account No. 50-1674. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1674. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-1674.

Respectfully submitted,

Date October 24, 2006

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6860
Facsimile: (858) 792-6773

By 

Sanjeev K. Dhand
Attorney for Applicant
Registration No. 51,182